

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

FILED BY  D.C.

05 JUL 19 PM 3:44

UNITED STATES OF AMERICA**-v-****2:03CR20094-01-MI**THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS**DAVID HERNANDEZ**

Carlos Olivo-Perez, Retained
Defense Attorney
80-02 Kew Gardens Road
Ste. 1040
Kew Gardens, NY 11415

JUDGMENT IN A CRIMINAL CASE**(For Offenses Committed On or After November 1, 1987)**

The defendant was found guilty on Count 6 of the Indictment on December 15, 2004. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. §1001(a)(2)	False Statements to a Federal Agency	03/07/2002	6

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and the Mandatory Victims Restitution Act of 1996.

The defendant has been found not guilty on counts 1 through 5.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No. 459-29-7697
Defendant's Date of Birth: 11/01/1962
Deft's U.S. Marshal No.: 18899-076

Date of Imposition of Sentence:
July 18, 2005

Defendant's Mailing Address:
165 Nelson Drive
Brighton, TN 38011


JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE

July 19, 2005

(122)

PROBATION

The defendant is hereby placed on probation for a term of **2 Years**.

While on probation, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a firearm, ammunition, destructive device, or dangerous weapons. The defendant shall also comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

The defendant shall comply with the following standard conditions that have been adopted by this court.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
5. The defendant shall notify the probation officer **ten(10) days prior** to any change in residence or employment;
6. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as directed by the probation officer to determine the use of any controlled substance;
7. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
8. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
9. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
10. The defendant shall notify the probation officer within **72 hours** of being arrested or questioned by a law enforcement officer;

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11. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
12. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
13. If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

ADDITIONAL CONDITIONS OF PROBATION

The defendant shall also comply with the following additional conditions of probation:

1. The defendant shall participate in the Home Detention program for a period of **6 Months**. During this time, defendant will remain at defendant's place of residence except for employment and other activities approved in advance by the Defendant's Probation Officer. **The defendant shall be allowed to continue his work as an over-the-road truck driver and be allowed to stay in contact with the Probation Officer via telephone while working outside the district.** Defendant will be subject to the standard conditions of Home Detention adopted for use in the Western District of Tennessee, which may include the requirement to wear an electronic monitoring device and to follow electronic monitoring procedures specified by the Probation Officer. Further, the defendant shall be required to contribute to the costs of services for such monitoring not to exceed an amount determined reasonable by the Probation Officer.
2. The defendant shall submit to drug testing and drug treatment programs as directed by the Probation Office.
3. The defendant shall cooperate with DNA collection as directed by the Probation Officer.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments. The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

Total Assessment**Total Fine****Total Restitution****\$100.00**

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The Special Assessment shall be due immediately.

FINE

No fine imposed.

RESTITUTION

No Restitution was ordered.



Notice of Distribution

This notice confirms a copy of the document docketed as number 122 in case 2:03-CR-20094 was distributed by fax, mail, or direct printing on July 20, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT